

FILED

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**Mark C. McCartt, Clerk
U.S. DISTRICT COURT**

UNITED STATES OF AMERICA,

Case No. 22-CR-235-GKF

Plaintiff,

v.

**JUSTIN WADE MALONE,
a/k/a "Wade Gram,"
DEVON MARIE LARocca,
a/k/a "Devon Marie Rosen,"**

Defendants.

SUPERSEDING INDICTMENT

**[COUNT ONE: 18 U.S.C. §§ 1151,
1153, 1111, and 2 – Second Degree
Murder in Indian Country;**

**COUNT TWO: 18 U.S.C. §§
924(j)(1) and 2 – Causing Death by
Using and Discharging a Firearm
During and in Relation to a Crime
of Violence;**

**COUNT THREE: 18 U.S.C. §§
1151, 1153, and 1112(a) – Voluntary
Manslaughter in Indian Country;**

**COUNT FOUR: 21 U.S.C. §
856(a)(1) and 856(b), and 18 U.S.C.
§ 2 – Maintaining a Drug-Involved
Premises;**

**COUNT FIVE: 18 U.S.C. §
1512(c)(1) and 2 – Evidence
Tampering**

**COUNT SIX: 18 U.S.C. § 3 –
Accessory After the Fact to Second
Degree Murder in Indian Country
Forfeiture Allegation: 18 U.S.C. §
924(d) and 28 U.S.C. § 2461(c) –
Firearms Forfeiture]**

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. §§ 1151, 1153, 1111, and 2]

On or about July 8, 2022, within Indian Country in the Northern District of Oklahoma, the defendants, **JUSTIN WADE MALONE**, a/k/a “Wade Gram,” an Indian, and **DEVON MARIE LARocca**, a/k/a “Devon Marie Rosen,” aiding and abetting one another, willfully, deliberately, maliciously, and with malice aforethought unlawfully killed Cristian Amaya Hernandez, by shooting him in the head with a firearm.

All in violation of Title 18, United States Code, Sections 1151, 1153, 1111, and 2.

COUNT TWO
[18 U.S.C. §§ 924(j)(1) and 2]

On or about July 8, 2022, in the Northern District of Oklahoma, the defendants, **JUSTIN WADE MALONE**, a/k/a “Wade Gram,” and **DEVON MARIE LARocca**, a/k/a “Devon Marie Rosen,” aiding and abetting one another, knowingly used and discharged a firearm during and in relation to a crime of violence, that is, Second Degree Murder in Indian Country, as more fully set forth in Count One of this Superseding Indictment, an offense for which Defendants **MALONE** and **LARocca** may be prosecuted in a court of the United States, in violation of Title 18, United States Code, Section 924(c), and in the course of committing such violation, caused the death of Cristian Amaya Hernandez through the use and discharge of a firearm, and the killing constituted murder, as defined in Title 18, United States Code, Section 1111(a).

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

COUNT THREE
[18 U.S.C. §§ 1151, 1153, and 1112(a)]

On or about July 8, 2022, within Indian Country in the Northern District of Oklahoma, the defendant, **JUSTIN WADE MALONE**, a/k/a “Wade Gram,” an Indian, upon a sudden quarrel and heat of passion, knowingly and unlawfully killed Cristian Amaya Hernandez by shooting him in the head with a firearm.

All in violation of Title 18 United States Code, Sections 1151, 1153, and 1112(a).

COUNT FOUR

[21 U.S.C. §§ 856(a)(1) and 856(b), and 18 U.S.C. § 2]

On or about July 8, 2022, in the Northern District of Oklahoma, the defendants, **JUSTIN WADE MALONE**, a/k/a “Wade Gram,” and **DEVON MARIE LARocca**, a/k/a “Devon Marie Rosen,” aiding and abetting one another, unlawfully and knowingly used and maintained a place located at 103 South 108th East Avenue, Tulsa, Oklahoma, for the purpose of distributing and using methamphetamine, a Schedule II controlled substance, and fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 856(a)(1) and 856(b), and Title 18, United States Code Section 2.

COUNT FIVE
[18 U.S.C. § 1512(c)(1) and 2]

On or about July 8, 2022, in the Northern District of Oklahoma, the defendants, **JUSTIN WADE MALONE**, a/k/a “Wade Gram,” and **DEVON MARIE LARocca**, a/k/a “Devon Marie Rosen,” aiding and abetting one another, corruptly altered, destroyed, mutilated, and concealed objects, that is, firearms, surveillance cameras, and surveillance camera footage, and corruptly attempted to do so, with the intent to impair their integrity and availability for use in an official proceeding, by removing firearms from the scene of the killing of Cristian Amaya Hernandez, removing surveillance cameras from the scene of the killing of Cristian Amaya Hernandez, and deleting surveillance camera footage of the killing of Cristian Amaya Hernandez, and made such objects unavailable as evidence in the investigation into the killing of Cristian Amaya Hernandez.

All in violation of Title 18, United States Code, Section 1512(c)(1) and 2.

COUNT SIX
[18 U.S.C. § 3]

On or about July 8, 2022, in the Northern District of Oklahoma, the defendant, **DEVON MARIE LARocca**, a/k/a “Devon Marie Rosen,” knowing that an offense against the United States had been committed, to wit, Second Degree Murder in Indian Country, did receive, relieve, comfort, and assist the offender, Justin Wade Malone, in order to hinder and prevent the offender’s apprehension, trial, and punishment.

All in violation of Title 18, United States Code, Section 3.

FORFEITURE ALLEGATION
[18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)]

The allegations contained in this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

Upon conviction of the offense(s) alleged in this Superseding Indictment, as a part of his sentence(s), the defendant(s), **JUSTIN WADE MALONE**, shall forfeit to the United States any firearm and ammunition involved in or used in the knowing commission of such offense(s). The property to be forfeited includes, but is not limited to:

FIREARM(S) AND AMMUNITION

All pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

CLINTON J. JOHNSON
United States Attorney

A TRUE BILL



NATHAN E. MICHEL
Assistant United States Attorney

/s/ Grand Jury Foreperson
Grand Jury Foreperson